

AGENDA
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TX
August 25, 2010 – 11 a.m.

CALL TO ORDER. Committee Chair Daniel Wong, Ph.D., P.E., called the Enforcement Committee meeting to order at 11:00 a.m. on August 25, 2010, at the Texas Board of Professional Engineers, (TBPE) 1917 South IH-35, Austin, Texas. (Note: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors.

Daniel Wong, Ph.D., P.E.	Chair
Gary Raba, D.Eng., P.E.	Member
Elvira Reyna	Member
Edward L. Summers, Ph.D.	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, P.E., Emeritus Board Member, was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Clifton Bond	Supervising Investigator
Priscilla Pipho	Deputy Executive Director
Dorothy Gonzales	Executive Assistant

Visitors: Al Kosik, P.E., Representing Texas Department of Transportation; Kyle Womack, P.E., Texas Society of Professional Engineers (TSPE); Trish Smith, Executive Director, TSPE.

2. Public comment. None.

3. Discuss and possibly approve the May 20, 2010, minutes from the Enforcement Committee meeting.

It was MOVED/SECONDED (Raba/Summers) to approve the May 20, 2010, minutes from the Enforcement Committee meeting. A vote was taken and the MOTION PASSED.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 4-6):

4. Review, discuss, and possibly recommend changes to the enforcement process and procedure.

Mr. Clark presented the sanction worksheet included with this agenda item, which resulted from the Committee's direction to move forward and develop a modified worksheet that emphasized certain issues, specifically public safety and welfare, and the seriousness of an act or omission. The sanction worksheet included as an exhibit is submitted by staff for the Committee's consideration for approval. Mr. Clark explained the multipliers in the worksheet and how they work. The top two items on the list are key factors; any risk to the safety, health, and welfare of the public has a multiplier of three (3), and seriousness of act or omissions has a multiplier of two (2). Mr. Clark gave an explanation and example on how the worksheet will work when applying sanctions. Mr. Clark asked for the Committee's comments on the worksheet provided. Dr. Raba commented that he does not believe that current sanctions by the Board are a deterrent to bad behavior by people practicing engineering. He does not believe that the intent that he was trying to relay to staff has been met. Dr. Wong commented that the staff has flexibility with the sanctions, and the Board can direct staff to increase the penalties if needed. Dr. Raba believes that while he sees progress in the new sanction worksheet Mr. Clark presented, he does not see progress in protecting the public's safety, health, and welfare.

Mr. Clark asked to visit with Dr. Raba to further discuss his recommendation. Dr. Wong asked the Committee members if they felt that the increase in weight on the first two factors, and leaving the last eight in place, would be in line with what the Committee is seeking. Dr. Summers commented that he does not have a problem with the weight as long as the penalty is commensurate with the offense. He believes the issue is the maximum penalties the Board can impose. Mr. Clark responded that the suggested sanctions are the starting point. Dr. Wong and Mr. Clark gave examples and reviewed the process of how the sanctions/penalties are imposed. Dr. Raba commented that he would like to work with staff so that when the written words and the suggested sanction sheets along with the worksheet are presented to the Committee they can show some examples on how these will work together. Dr. Wong appointed Dr. Raba and Dr. Summers to work with staff on examples of how the sanctions/factors/weight will work on cases and present at the next scheduled Enforcement Committee meeting. Dr. Raba and/or Mr. Clark will keep Mrs. Reyna informed on the penalty enforcement process.

Mrs. Reyna arrived at 11:10 am.

5. Review, discuss, and possibly recommend changes to the Sanction and Penalties worksheet procedure.

The committee unanimously agreed and directed staff to continue using the current sanction and penalties worksheet procedure in place.

6. Issues for consideration and schedule next meeting.

The committee will revisit agenda items 4 and 5 to include case history and case study.

ADJOURN.

It was MOVED/SECONDED (Summers/Raba) to adjourn the meeting at 11:35 am.

Date Committee approved modification:	February 15, 2012
Date Board accepted:	February 15, 2012